

My One Year Debacle as President of the Cedar Lane Conservancy

Background: The Cedar Lane Conservancy was formed in 1990 when former neighborhood resident Bob McMurtrie sold 17.5 acres of land that he had bought from a nearby farm to a newly formed group of Cedar Lane residents. The land was basically all of the land on the other side of Cedar Lane – “other side” meaning the side across the road from the lake. Shares of stock were also issued - one per qualified lot to the new Conservancy members. There were 17 qualified lots, and the price per share was \$3000. (That would be \$7000 in 2023 dollars.) All members had 1 share, except for my family, which had 2 lakeside lots, and also 2 Conservancy shares. (There were 5 lots on the west end of the lane that were excluded from membership, since they had buildable lots across the road from them. Also, there were 2 lots on the east end that were excluded because the area there was considered a wetland, and the lots themselves were not thought to be buildable, so extending the development strip to those two lots was not considered feasible.) The primary goal of the Conservancy was quite simply to prevent future development along the rustic Cedar Lane on the south side of the road (opposite the lake), similar to what has occurred on Higgins Lake and others that have row after row of cottages and public access points for residents that are not located directly on the lake.

My stint as Conservancy President: My (troubled) one year run as Conservancy President began in the fall of 2020. The long-time President of both the Tonnadoonah HOA and the Cedar Lane Conservancy had recently stepped down after a contentious election that had been conducted at the past annual meeting (held in early July), and in September, a new Board was needed. Myself, Tom McMurtrie, and Jeff Wesley were nominated and became the new board members. We chose officer roles amongst ourselves (per the bylaws), and I volunteered to serve as President. I had recently done a lot of work in the Conservancy creating an interesting self-guided nature trail with detailed info sheets and numbered sign posts around the loop. I did a good deal of research establishing the 2 dozen different stations around the loop, and then a fair bit of work to create and post all of the signs. I came to genuinely appreciate the property (I still love it, with the stream, waterfall and the CCC stands of red pine), so I felt like I had established a connection to the Conservancy and believed in what it represented.

In hindsight, me taking on the role of President was a big mistake. It reflected some gross naiveté on my part for sure. You can't lead people that don't respect you, (especially when there is conflict occurring, as there was) and I am reviled by some on the lane due in no small part to the antiquated, minimalist lifestyle my family has always engaged in. That is to say, we have never built a bona fide cottage like other on the land now have. We do have a small rustic lakeside cottage, and we have also always had a small RV trailer on our property. So I was on thin ice, and I should have recognized that, but I got caught up in the moment, was confident with what I had to offer, and felt I could contribute. Live and learn.

Conservancy Bylaw Violations: Unfortunately two significant violations of Conservancy restrictions occurred right at this time of transition to the new Board (one just prior to the Board's creation, and one just after). This was not good news for the fledgling board, and made things uncomfortable for all of us. Not knowing what we should do, we discussed the matter with the representative from the Little Traverse Conservancy, which is the group that is the official legal steward for most (but not all) of the Conservancy property. (There is also a narrow development strip along the northern border adjacent to Cedar Lane - that's the complicated part.) The rep. suggested that a survey be conducted to determine the exact line between the property they manage, and the development strip land. Little Traverse agreed to fund it, so we agreed. That was subsequently done, and unfortunately, what was found was that there were two additional violations we had not been aware of.

Only 3 residents had taken the initiative to exercise their right to develop their plot of the development strip by building a garage structure. One was a modest garage that met the Conservancy guidelines. The other two, however, were huge pole barns that greatly exceeded the size that was officially allowed. Two members who had developed their Conservancy property. But it turned out that Little Traverse could care less about that stuff – but what they survey found was that they both had also built beyond the development strip line and had trespassed onto Little Traverse managed property. This was really bad news, since the number of issues that our fledgling board had to deal with just doubled. Since the Board had no enforcement authority, all we could do was report what we found, and so we did, as we felt duty bound to do.

Who are the Conservancy Members? There was another issue that needed to be resolved that created some conflict within the Conservancy Board. There had been an issue of property acquisition that required some additional investment. The former President had purchased a plot of land that was right next to one boundary of the Conservancy, and it was felt that it would be good to grab that and connect it with the existing property. It was discussed at a meeting a few years ago (that I didn't attend) and the motion passed. The interesting part was that since the parcel contained a portion of the easement for the lane that everyone lakeside house resides along, that it would make sense if everyone chipped in to help with the purchase. And when I say everyone, that is because there are 24 residents on the lane, and only 17 are members of the Conservancy. The other 8 were excluded based on not having access to property that they could develop in the "development strip" that was used as the original carrot to induce people to buy into the plan in the first place.

So that is what happened. All 24 families agreed to pay, and everyone ponied up a few grand and the purchase was made. That was all well and good, but then there was the issue of what that meant as to if the 8 other families were now Conservancy members or not, or if that was simply a one time investment that was in their best interests since it helped secure the property that the Cedar Lane easement resided on next to the main road (Ferry Road). There was not agreement on if the 8 non-members had become members by default. Since they had not bought in originally, and since they didn't have any development rights, it would make things a bit sticky to have some members that had one set of rights, and others that didn't. My position was that they were not members just because they helped with the purchase, but another board member felt that the understanding at the meeting is that they would become members. (Since I wasn't at the meeting, I wasn't sure.) And among the 8 families, it seemed there was some dissention among them if they even wanted to be members (with some associated dues now and then.)

So I stuck to my position that I felt that the members should only include the original 17, but challenged the board member who felt otherwise to get a legal opinion and see if it could be inferred that they new people had actually joined in some manner. I put a lot of thought into it, as my goal was to be fair to everyone – both the original members and the rest. My position was that the new people should only become members if they wanted to do so, so that it would be up to them. The other fellow felt that it would be best to effectively rope them all in and such that everyone on the lane was a member. He felt that the Conservancy benefited everyone, even if some people didn't have the special development rights that the original 17 members had. It was more or less left as a stalemate, and we didn't come to an agreement amongst ourselves. (And the dissenting board member eventually announced that he was going to withdraw from the board for various reasons, which didn't help matters any.) Our first annual meeting as a new board was to take place in early July of 2021, and this was to be an item for discussion at that meeting. As things turned out, we never got that far. We got knee-capped first...!

Bad Blood Runs Thick – the showdown! This is where the mistake I made volunteering to be President came back to bite us. The reporting of the violations generated a lot of bad-blood from some of the “important” people on the lane, in particular the former President and a few others. And the notes reporting all of the news and issues - although generally written jointly by all 3 board members, they were sent out from my e-mail ID. So it seems they were attributed primarily to me. (In hindsight, the Secretary should have mailed them out – but I was trying to help – that was my 2nd mistake.) Shortly after the issues came to light, I was visiting my property and I was confronted face to face by the former Conservancy President, "Hal, you can't break the rules on one side of the road and enforce them on the other." My reply was that I wasn't aware of any rules that I was breaking on either side of the road.

The rules referred to were based on a trailer that I still maintain on my property. (I acquired the property from my mother after she passed away in 2016.) It is no longer legal to maintain a trailer for seasonal use as my family has always done, but it wasn't illegal when we purchased our property in 1967, and so in fact we maintain "grandfathered rights" to continue to live as we always have. That's all well and good, but people don't necessarily understand and / or agree with that. And for darn sure many don't respect it, and some very badly want it (and me!) out of the neighborhood – not sure why, but it seems that it's like a thorn in their side. And as it turns out, there was another twist – there are some archaic Tonndoonah Deed resturctions that were written in ~1960 that predated zoning. So far as I am aware they had never been enforced, but one of them indicated that no trailers were allowed. ** But the Tonnadoonah restrictions didn't make any exceptions for short term trailer usage as the modern zoning code does – it simply prohibits all of it. And the fact was that a number of other people use trailers for short term lodging for guests, including the former President himself. (Talk about the pot calling the kettle black.)

Anyhow, the hornets' nest that we stirred up resulted in an effort on the part of the former President and a few others was initiated to have the Cedar Lane Conservancy board eliminated, and the entire Conservancy organization effectively be disbanded and the duties absorbed by the Tonnadoonah HOA that helps manage the developed properties on the other side of the lane. The former Pres. effectively pirated the agenda of the HOA portion of the meeting and introduced a motion to disband the Conservancy board. (Fewer meetings was the stated rational. Right.) This was a well calculated power play as the HOA board had no jurisdiction over the Conservancy, but the President of the HOA Board gave him time to make his proposal. And he was successful - in fact when our portion of the meeting started, the (new and unexpected) first order of business was to hold a vote on the proposal to disband, and it went 12 to 2 in favor of disbanding and consolidating the entire Conservancy organization into the HOA. (Myself and another former President (not the angry one) were the only two votes to keep it. Yikes - talk about a landslide - I felt like the George McGovern of Cedar Lane!)

So that was that, and we never got to any of the agenda items that we had planned to talk about, which was all well and good as far as everyone but me (and the one other fellow) were concerned it seems. The ethics of that decision still leave me a bit troubled - removing a Board charged with overseeing a Conservancy for one who's mission is to oversee development, but the voters spoke, and that is what happened. (Whether it was an issue that they should have even been allowed to vote on was something that I was (and still am) not entirely sure about.) And as soon as the votes were tallied, the former President effectively launched into a tirade against me, so it was pretty clear (to me at least) what his agenda was, (A well-deserved dose of pay-back it seems) but so it goes. So with that swift kick in the pants (or thereabouts), my short stint as President of the Conservancy was summarily ended on an ignominious note. Funny how things can work sometimes when you think you are going the right thing, and work had to try to do exactly that. Life can teach you some lessons along the way, that's for sure. (In this case, death, taxes, and ugly local politics... (I added one, see...))

** The legal viability of the Tonndoonah deed restrictions is very dubious. A lawyer the HOA Board hired claimed they were still valid. However a lawyer I hired said that on no uncertain terms, any such restriction must be enforced within 10 years of any given violation, or they become null and void due to a statute of limitations.

Hal Wolff; March 22, 2023